



MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF ARIZONA & DEPARTMENT OF HOMELAND SECURITY

I. PARTIES

The Parties to this Memorandum of Agreement (hereinafter "MOA") are the State of Arizona, hereinafter referred to as "State of Arizona," and the Department of Homeland Security, hereinafter referred to as "DHS" (collectively, the "Parties").

II. AUTHORITY

DHS is authorized to enter into this MOA pursuant to the Homeland Security Act of 2002, 6 U.S.C. § 112(b), as amended. The State of Arizona is authorized to enter into this MOA pursuant to A.R.S. § 28-366.

III. ENHANCED DRIVER'S LICENSE

A. PURPOSE

This MOA demonstrates the Parties' shared commitment to support the State of Arizona's enhanced driver's license voluntary project. Under the voluntary project, the State of Arizona and DHS will develop, issue and accept a valid and lawfully obtained enhanced driver's license and identification card with facilitative technology for border crossing purposes. The Secretary of Homeland Security expects to propose that a valid and lawfully obtained State of Arizona enhanced driver's license, or identification card for those who do not drive, be accepted as an alternative Western Hemisphere Travel Initiative (WHTI) document for land and sea border crossings. The Secretary of Homeland Security also expects the requirements for the enhanced driver's license to align with REAL ID requirements, generally consistent with the phases to be outlined in the REAL ID final rulemaking. (The documents issued by the State of Arizona as an enhanced driver license or identification card will be collectively referred to in this MOA as the "Enhanced Driver's License").

B. BACKGROUND

The tragic aftermath of the September 11, 2001 terrorist attacks required thoughtful and immediate improvements to our nation's border security. WHTI implements a Congressional requirement that all United States citizens and other travelers to and from Canada, Mexico, Central and South America, the Caribbean and Bermuda present a passport or other accepted document that establishes the bearer's identity and citizenship to enter or re-enter the United States. The goal is to strengthen border security and facilitate entry into the United States for

U.S. citizens and legitimate international travelers. It is anticipated that the date of full WHTI implementation will be in the summer of 2008 when U.S. citizens traveling between the U.S. and Canada, Mexico, Central and South America, the Caribbean, and Bermuda by land or sea (including ferries), will be required to present a valid U.S. passport or other document acceptable to the Secretary of Homeland Security.

The Parties anticipate that a valid and lawfully obtained Enhanced Driver's License issued by the State of Arizona will be an acceptable alternative document for U.S. citizens. Such an enhanced document would advance the security and economic interests of the region's citizens.

The driver's license is a nationally accepted means of identification. A driver's license can be enhanced to securely denote identity and citizenship. The holder of a valid and lawfully obtained Enhanced Driver's License will then also be able to use that document to show citizenship and identity at a significant cost savings to the applicant.

A successful project will also serve the mutual interests of DHS and the State of Arizona by increasing the use of facilitative technology, thereby facilitating cross border trade and travel, and providing another secure document option to U.S. citizens residing in Arizona that can meet the security goals of WHTI.

C. PROJECT RESPONSIBILITIES

The State of Arizona shall be responsible for:

- (1) Issuing an Enhanced Driver's License that denotes, pursuant to issuance standards established by DHS and provided for in the business plan, the identity and U.S. citizenship of State of Arizona residents.
- (2) Including facilitative technology identified by DHS in the Enhanced Driver's License that will facilitate identity and citizenship validation through the sharing of information and include the current status of the card holder's right to use the Enhanced Driver's License.
- (3) Developing a business plan for the voluntary project, in conjunction with DHS that implements minimum business requirements that are acceptable to DHS, including REAL ID requirements and protecting Personally Identifiable Information.
- (4) Allowing DHS to review the operations of the project and responding to any comments from DHS.
- (5) Ensuring that employees involved in the project have undergone background checks acceptable to DHS.

The Department of Homeland Security shall be responsible for:

- (1) Accepting, pending implementation of regulations on acceptable documents, the State of Arizona's denotation of identity and citizenship on the Enhanced Driver's License.
- (2) Providing the facilitative technology specifications for the Enhanced Driver's License, providing the facilitative technical specifications for an interactive validation process and utilizing these facilitative technologies.
- (3) Establishing minimum standards for the project including issuance standards for the Enhanced Driver's License.
- (4) Approving a detailed State of Arizona business plan for the project that implements minimum business requirements acceptable to DHS.
- (5) Reviewing the operation of the project pursuant to the business plan and providing comments to the State of Arizona.

D. POINTS OF CONTACT

FOR DHS:

Adina Kazyak Ordonez
Screening Coordination Office

FOR the State of Arizona:

Stacey K. Stanton
Motor Vehicle Division Director

E. TERM AND TERMINATION

This MOA will expire by its terms on July 31, 2009. It may be extended only by mutual written agreement of the Parties. Either Party may terminate this MOA upon the giving of written notice thirty (30) calendar days in advance of the termination date to the other Party.

F. MODIFICATION

Modifications to the MOA may be made only by mutual consent of the Parties, in the form of a written modification, signed and dated by both Parties.

G. FUNDING

This MOA does not obligate DHS funds and is not intended to provide any funding or financial support for the State of Arizona Enhanced Driver's License project.

IV. DRIVER'S LICENSE SECURITY

A. PURPOSE

Recognizing the intent of the Real ID Act to strengthen the security of the driver's license and identification card issuance process and reduce identity theft and related fraud. DHS and the State of Arizona affirm their commitment to these goals.

B. PROJECT RESPONSIBILITIES

The State of Arizona shall be responsible for:

Taking steps to become Real ID compliant as soon as practicable after the Real ID final rulemaking is published.

DHS shall be responsible for:

Working with the State of Arizona in support of their implementation of the REAL ID Act as published in the final rule.

V. EFFECTIVE DATE

The parties agree that this MOA is effective upon enactment.

VI. CONFIDENTIALITY

Each Party understands that the other Party or third parties may disclose to it information designated by another party as confidential information related to the project discussed in this MOA.

Each Party agrees to maintain in confidence such information and to use this information solely to provide services related to the project under this MOA. Except as required by law, each Party shall not disclose this information to any person except authorized contractors who also agree not to disclose this confidential information. Each Party shall include requirements of confidentiality for any person that has access to the confidential information pursuant to this MOA.

Each Party shall take reasonable measures to maintain the confidentiality of this information pursuant to the business plan. Each Party shall give prompt notice to the other Party of any request for, use of, or disclosure of confidential information and agrees to assist the other in responding to any request, remedying any misuse, or remedying any inappropriate disclosure.

Further, DHS agrees that all materials containing confidential information received pursuant to this MOA concerning State of Arizona residents and its employees, and any other information that may be classified as confidential, shall not be disclosed to other persons without the State of Arizona 's written consent, except as may be required by law. Any personal information received by DHS shall be handled by DHS, as appropriate and necessary, in accordance with the Privacy Act of 1974, as amended.

VII. MISCELLANEOUS

This MOA does not confer a right or benefit on behalf of any third party and does not otherwise confer a right on any third party to enforce a term of this MOA.

This MOA represents the entire agreement between the Parties. No other understanding, oral or otherwise, regarding the subject matter of this MOA shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS WHEREOF, the Parties have signed two (2) duplicate originals of this MOA.

Department of Homeland Security

State of Arizona

(Signature) (Date)

(Signature) (Date)

Michael Chertoff
(Print Name)

Janet Napolitano
(Print Name)

Secretary, Department of Homeland Security
(Title)

Governor, State of Arizona
(Title)